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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,113	06/08/2005	Zhun Zhong	US020553	8864

24737 7590 10/08/2008  
PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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TRAN, PABLO N

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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10/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/538,113	<b>Applicant(s)</b> ZHONG, ZHUN	
	<b>Examiner</b> Pablo N. Tran	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 10-17 and 23-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 9, 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrus et al. (6,993,334).

As per claims 1 and 18, Ogier et al. disclosed a method for minimizing a communication service disruption period during a handoff of a mobile station in a wireless local area network (WLAN), wherein providing a plurality of APs in the network with an assigned channel of operation and a pre-configured nearest-neighbor table comprised of records transmitting said pre-configured nearest-neighbor table from said plurality of APs to associated STAs, and performing a prioritized search by said STA by first searching in each of said nearest neighbor AP's channel of operation as identified in said transmitted nearest-neighbor table to locate at least one candidate AP to form a new association with in said handoff (fig. 3, fig. 4, col. 9/ln. 3-col. 11/ln. 25).

Andrus et al. does not specifically suggest that each record of the neighbor AP's list be partitioned into fields, wherein at least a first field identifying a nearest neighbor AP and a second field identifying said nearest neighbor AP's channel of operation.

However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such signaling method, well known, to Andrus et al. system in order to easily recognize operational channels of nearest Access points to save time and avoid impair channels during handoff.

As per claim 2, the modified system of Andrus et al. further disclosed sequentially searching those remaining channels of operation in said network not included in the table in the case where the at least one candidate AP (col. 9/ln. 3-col. 11/ln. 25).

As per claims 3, 5-6, 19 and 20-21, the modified system of Andrus et al. does not specifically suggest the signaling via a modified probe response frame, a modified beacon frame, a dedicated AP channel announcement management frame. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such signaling method, well known, to Andrus et al. system in order to convey AP's channels of operation in an organized manner to save time during handoff.

As per claim 7, the modified system of Andrus et al. does not specifically suggest such signaling method of broadcasting to a BSS or unicast to a particular STA in the BSS. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such signaling method, well known, to

Andrus et al. system in order to save system's resource wherein transmitting the message to the particular BSS that supports the STA.

As per claim 8, the modified system of Andrus et al. does not specifically suggest the dedicated AP channel announcement management frame is representing as bitmap. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such signaling method, well known, to Andrus et al. system in order to convey AP's channels of operation in an organized manner to save time during handoff.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified system of Andrus et al. (6,993,334) and further in view of Korpela et al. (6,510,146).

As per claim 4, the modified system of Andrus et al. does not specifically suggest the STA send the list. However, Korpela et al. disclose such step of the mobile device requesting the list (col. 9/ln. 35-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such method, as taught by Korpela et al., to Andrus et al. system in order to maintain an active data transfer connection.

***Allowable Subject Matter***

4. Claims 9 and 22 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments filed 07/01/08 have been fully considered but they are not persuasive.

The Applicant's stated that "No where does Andrus mention a pre-configured nearest-neighbor table". In response to the Applicant, the Applicant does not explicitly state as to when does the table is configured. Therefore, the rejection is proper.

The Applicant request evidence to support the examiner's Official Notice as stated in claim 1. The examiner provided such finding, Feder et al. (US Pat. No. 6,522,881), see column 6, lines 9-24, and claim 12. Therefore, the rejection is proper.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. Status information for Published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-directauspto.gov>. Should You have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 30, 2008

/Pablo N Tran/

Primary Examiner, Art Unit 2618